

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT LUCAS WOODWARD,

CASE NO. 3:24-cv-05540-JHC

Petitioner,

ORDER

V.

JASON BENNETT,

Respondent.

On February 19, 2025, Petitioner filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit from the Court's December 31, 2024, order denying Petitioners' Motions for Relief from Judgment. Dkt. # 14. The same day, Petitioner filed a motion to appoint counsel for the purposes of his appearance before this Court. Dkt. # 15.

Generally, “the filing of a notice of appeal divests a district court of jurisdiction over those aspects of the case involved in the appeal.” *Stein v. Wood*, 127 F.3d 1187, 1189 (9th Cir. 1997) (citing *Marrese v. Am. Acad. of Ortho. Surgeons*, 470 U.S. 373, 379 (1985); *Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) (“Once a notice of appeal is filed, the district court is divested of jurisdiction over the matters being appealed.”) Thus, this Court lacks jurisdiction over the motion to appoint counsel or any other post-judgment motion

1 that involves the issues subsumed within the pending appeal to the Ninth Circuit until and unless
2 the Ninth Circuit issues its Mandate.

3 Further, on January 22, 2025, the Court ordered Petitioner to show cause why a vexatious
4 litigant bar order should not be issued. Dkt. # 13. Petitioner has failed to show any cause. *See*
5 *generally* Dkt.

6 Accordingly, the Court STRIKES the motion to appoint counsel, Dkt. # 15, for lack of
7 jurisdiction. And the Court DIRECTS the Clerk to strike any new motion by Petitioner, unless it
8 is related to an appeal, as this case is now closed.

9 Dated this 19th day of February, 2025.

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12 John H. Chun
13 United States District Judge
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